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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-------------------------------|---------------------|------------------|
| 09/816,683 | 03/23/2001 | James Thomas Edward McDonnell | B-4110 618604-0 | 5208 |

22879 7590 02/23/2007
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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2135

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 2 MONTHS | 02/23/2007 | PAPER |

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Technology Center 2100

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/816,683
Filing Date: March 23, 2001
Appellant(s): MCDONNELL ET AL.

Robert Popa, Reg. No. 43,010
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on September 11, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,674,860 B1

Pirila

1-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. Claims 1-5, 7-12, 14, 16-18, 24-28 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Pirila US Patent 6,674,860 B1.

2. As per claims 1, 24 and 31, Pirila teaches a method / arrangement of billing for location data that represents the location of a mobile entity, wherein:

the location data is provided in encrypted form by a location server to a recipient that is one of the mobile entity and a service system for providing a location based service to the mobile entity using said location data as an input [column 7, lines 26-37, column 3, lines 47-66 and column 6, lines 25-61], the location data being encrypted such that it cannot be decrypted by the recipient (i.e., the location data can only be decrypted in the mobile intelligent module (SIM card)) [column 5, lines 19-24 and column 6, lines 57-63], the encrypted location data is subsequently passed by said recipient to a decryption entity that is not under the control of the user of the recipient (note that the user doesn't have control over the intelligent module, see for example column 4, lines 21-26) [column 3, line 65 – column 4, line 26], the decryption entity decrypts the location data and generates a billing record in respect of the location data [column 9, lines 16-17 and column 4, lines 4-27].

3. As per claim 2, Pirila further teaches wherein the encrypted location data is decrypted by the decryption entity with explicit or implicit authorization by the mobile entity [column 4, lines 16-26].

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4. As per claims 3, 4, 18 and 25, Pirila further teaches the recipient is a mobile entity and the decryption entity is under the control of location server or an agent of the later [column 6, lines 25-37 and lines 57-63].

5. As per claims 7, 16, 26-28 and 30, Pirila further teaches wherein mobile entity passes the encrypted location data to the decryption entity for decryption and return [column 3, line 65 – column 4, line 26].

6. As per claims 8, 5 and 12, Pirila further teaches the recipient is the mobile entity and the decryption entity is a service system to which the mobile entity passes the encrypted location data in association with a service request [column 3, line 65 – column 4, line 26].

7. As per claim 9, Pirila further teaches wherein the recipient is the mobile entity and the decryption entity is a service system (intelligent module SIM) to which the mobile entity passes the encrypted location data in association with a service request [column 3, line 65 – column 4, line 26].

8. As per claims 10 and 11, Pirila further teaches wherein the recipient is the service system and the decryption entity is under the control of the location server or an agent of the later [column 6, lines 25-37 and lines 57-63].

9. As per claim 14, Pirila further teaches wherein the mobile entity obtains the encrypted location data from the service system and passes it to the decryption entity for decryption and return [column 3, line 65 – column 4, line 26].

10. As per claim 16, Pirila further teaches wherein the service system is a location-data archive system [see for example MLC, figure 3].

11. As per claim 17, Pirila further teaches wherein the recipient is the service system and the decryption entity is the mobile entity, the latter having received the encrypted location data from the service system [column 6, lines 25-37 and lines 57-63].

Allowable Subject Matter

12. Claims 6, 13, 15, 29 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(10) Response to Argument

In pages 4 and 5 of the Appeal Brief, Appellant argued that, in Pirila (US 6,674,860 B1) the location information is information about the base stations and that this location data is encrypted and broadcast to mobile entities, in contrast to Pirila, the 'location data,' as recited in claim 1, 'represents the location of the mobile entity'. Appellant further argued that, according to Pirila, the information that represents location of the base station is sent to the mobile station and is used by the mobile station to determine the location of the mobile station and claim 1 is not disclosed by Pirila, because the information provided by Pirila is about the base station, not 'mobile station' as recited in claim 1. Therefore, Appellant submitted that Pirila does not teach

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'location data is provided in encrypted form by a location server to a recipient' as recited in claim 1.

Examiner would point out that, the location data taught by Pirila does **represent** location of the mobile entity as understood by the examiner in view of the specification. The specification on page 9, lines 14-18 recites, "for example, where a location-aware service running on service system 40 in Figure 5 needs **to find the location of mobile 20G**, it could be arranged to do so by requesting this information from location server 67 which in turn requests the location data from the relevant **BSC**, the latter making the **necessary determination using measurements from BTSs 13**." The specification in page 7, lines 22-32, further teaches determining the location of mobile entity by observing time difference measurements with respect to signals received from BTSs 13. It is understood by the examiner that the signals sent by the BTSs to the mobile entity which is used to determine the location data of the mobile entity does represent the location of the mobile entity. Pirila teaches determining location of a mobile station on the basis of timing difference between signals received from at least two base stations (the mobile station's position is calculated by measuring differences in the time signals received from different base stations, i.e., location data that represents the location of the mobile entity) [see at least column 3, lines 49-60]. Examiner would point out that Pirila teaches 'the location data is provided in encrypted form by a location server to a recipient' [column 7, lines 26-37, column 3, lines 47-66 and column 6, lines 25-61].

With respect to claims 24 and 31, Appellant indicated that, for the reasons stated above for claim 1, Pirila does not teach "location data that represent the location of a mobile entity.."

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Examiner would point out that arguments to claim 1 have been traversed as indicated above and therefore arguments to claims 24 and 31 are traversed with the same reason applied thereto.

With respect to claims 2-18, 25-30 and 32, Appellant indicated that, based on their dependency to claims 1, 24 and 31, are patentable over Pirila.

Examiner would point out that arguments to claims 1, 24 and 31 have been traversed as indicated above and therefore arguments to claims 2-5, 7-12, 14, 16-18, 25-28 and 30 are traversed with the same reason applied thereto. Claims 6, 13, 15, 29 and 32 have been objected as being dependent upon a rejected base claim as indicated above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Beemnet W Dada



Conferees:

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SUPERVISORY PATENT EXAMINER